

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York  
By: MARA E. TRAGER  
Assistant United States Attorney  
86 Chambers Street  
New York, New York 10007

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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REV. ALEXANDRA COE,	:
	:
Plaintiff,	:
	:
07 Civ. 8091 (SCR)	:
	:
– against –	:
	:
ALBERTO GONZALES, ATTORNEY	:
GENERAL OF THE UNITED STATES	:
	:
Defendant.	:
-----X	

Defendant Michael Mukasey<sup>1</sup> (“the Government”), by his attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, answers plaintiff’s amended complaint (the “complaint”) as follows:

1. Neither admits nor denies the allegations contained in paragraph 1 of the complaint because they constitute plaintiff’s characterization of this action to which no response is deemed necessary.
2. Denies knowledge or information sufficient to form a belief as to the truth of the

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<sup>1</sup>Michael Mukasey has succeeded Alberto Gonzales as Attorney General of the United States and, accordingly, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, he should be substituted as the Defendant in this action.

allegations contained in paragraph 2 of the complaint.

3. Neither admits nor denies the allegations contained in paragraph 3 of the complaint as they constitute plaintiff's characterization of the law to which response is required, except admit that plaintiff has named as a defendant in this action the Attorney General of the United States.
4. Neither admits nor denies the allegations contained in paragraph 4 of the complaint because they constitute plaintiff's characterization of this action and conclusions of law to which no response is deemed necessary.
5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the complaint, except avers that plaintiff filed her administrative complaint of discrimination with the Federal Bureau of Prisons ("BOP") on or about April 4, 2007, and that the BOP Equal Employment Opportunity office sent plaintiff a letter dated July 11, 2007 dismissing her administrative complaint. Defendant respectfully refers the Court to the administrative complaint and the BOP's July 11, 2007 letter for their true and complete content.
6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the complaint.
7. Denies the allegations contained in paragraph 7 of the complaint, except admits that plaintiff submitted an application for chaplain on or about July 19, 2006, and respectfully refers the Court to the application for its true and complete content.
8. Denies the allegations contained in paragraph 8 of the complaint, except admits that Joseph Pryor sent plaintiff a letter dated December 20, 2007, and respectfully refers the Court to that letter for its true and complete content.

9. Denies the allegations contained in paragraph 9 of the complaint.
10. Denies the allegations contained in paragraph 10 of the complaint.
11. Denies the allegations contained in paragraph 11 of the complaint, except admits that plaintiff, through her counsel, sent a letter dated July 11, 2007 to the BOP, attaching a document titled "Verified Charge" and respectfully refers the Court to this document for its true and complete content.
12. Denies the allegations contained in paragraph 12 of the complaint, and respectfully refers the Court to the dismissal letter, dated July 11, 2007 for its true and complete content.
13. Denies the allegations contained in paragraph 13 of the complaint.
14. Repeats and realleges the responses contained in paragraphs 1 through 13 as if set forth fully herein.
15. Denies the allegations contained in paragraph 15 of the complaint.
16. Denies the allegations contained in paragraph 16 of the complaint.
17. Neither admits nor denies the allegations in the paragraph beginning "Wherefore" on page 4 of the complaint because they constitute conclusions of law and/or plaintiffs' characterization of the damages they seek in this action, to which no response is deemed necessary. To the extent a response is required, the Government denies that plaintiffs are entitled to this relief.

### DEFENSES

#### FIRST DEFENSE

The Court lacks subject matter jurisdiction over this action.

#### SECOND DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

WHEREFORE, defendant demands judgment dismissing the complaint and granting such other and further relief as this Court deems proper, including costs and disbursements.

Dated: New York, New York  
March 24, 2008

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CERTIFICATE OF SERVICE

I, Mara E. Trager, an Assistant United States Attorney for the Southern District of New York, hereby certify that on March 24, 2008, I caused a copy of the foregoing Answer to be served upon the following by Regular Mail, delivery charges pre-paid:

Stephen Bergstein  
Bergstein & Ullrich LLP  
15 Railroad Ave  
Chester NY 10918

Dated: March 24, 2008  
New York, New York

  
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MARA E. TRAGER